

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BILL LIETZKE,

Plaintiff,

v.

COUNTY OF MONTGOMERY, *et al.*,

Defendants.

3:19-cv-00571-MMD-CBC

**REPORT AND RECOMMENDATION  
OF U.S. MAGISTRATE JUDGE<sup>1</sup>**

Before the Court is Plaintiff Bill Lietzke's ("Lietzke"), application to proceed *in forma pauperis* (ECF No. 1), and his *pro se* civil rights complaint (ECF No. 1-1).

On February 2, 2018, United States District Judge James C. Mahan deemed Lietzke a vexatious litigant under 28 U.S.C. § 1651(a). *Lietzke v. City of Montgomery, et al.*, 2018 WL 702889, at \*1 (D. Nev. Feb. 2, 2018). Judge Mahan further enjoined and prohibited Lietzke from "filing any new complaint, petition, or other action in this court without first obtaining leave from the Chief Judge of this court." *Id.*

On September 13, 2019, Lietzke filed the instant action, without first obtaining leave from the Chief Judge. See Docket.<sup>2</sup> Therefore, this action is not appropriately filed in this Court.

**I. CONCLUSION**

For the reasons articulated above, the Court recommends that Lietzke's application to proceed *in forma pauperis* (ECF No. 1) be **DENIED**, and that this case be **DISMISSED**.

<sup>1</sup> This Report and Recommendation is made to the Honorable Miranda M. Du, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4.

<sup>2</sup> Additionally, all of the events in the complaint appear to have occurred in Alabama; therefore, the District of Nevada is not the appropriate venue for the instant matter. 28 U.S.C. § 1391(b). The court may dismiss an action laying venue in the wrong district. 28 U.S.C. § 1406(a).

1 The parties are advised:

2 1. Pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule IB 3-2 of the Local Rules of  
3 Practice, the parties may file specific written objections to this Report and Recommendation  
4 within fourteen days of receipt. These objections should be entitled "Objections to  
5 Magistrate Judge's Report and Recommendation" and should be accompanied by points  
6 and authorities for consideration by the District Court.

7 2. This Report and Recommendation is not an appealable order and any notice  
8 of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District  
9 Court's judgment.

10 **II. RECOMMENDATION**

11 **IT IS THEREFORE RECOMMENDED** that Lietzke's application to proceed *in forma*  
12 *pauperis* (ECF No. 1) be **DENIED**; and

13 **IT IS FURTHER RECOMMENDED** that this case be **DISMISSED**.

14 **DATED:** 10/22/2019

15   
16 **UNITED STATES MAGISTRATE JUDGE**